UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.33
31 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Draft principles proposed by the Chairman

Principle 1

[Human beings are at the centre of environmental and developmental concerns. They are entitled to a healthy life of well-being in a sound environment to be able to achieve a better quality of life and their full realization as a person.]

[The well-being and dignity of humankind on a healthy planet are at the centre of environmental and developmental concerns. Human beings are entitled to live in a sound environment, [in dignity and in harmony with nature for which they bear the responsibility for protection and enhancement] and bear the responsibility to protect, restore and improve it for the benefit of present and future generations.]

Principle 2

[States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental [and developmental] policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.]

Principle 3

[The right to development must be fulfilled [in order to equitably meet] [in a manner which equitably meets] the [environmental and developmental] [developmental and environmental] needs of present and future generations.]

Principle 4

[In order to achieve sustainable development, environmental protection [shall] [should] constitute an integral part of the development process and cannot be considered in isolation from it.]

Principle 5

[The special situation and needs of developing countries, particularly the least developed countries [, and those most environmentally vulnerable,] [shall] [should] be fully taken into account in international actions taken with respect to environment and development.]

[The special concerns of countries in need should adequately be taken into account in international actions taken with respect to environment and development. The special needs of the least developed countries [and those most environmentally vulnerable] should be fully recognized.]

Principle 6

All States and all people [shall] [should] cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development. [Any international regime cannot be considered equitable and just if it ignores the disparities in standards of living between nations and is insensitive to the development needs of the majority of the people of the world.]

Principle 7

All States share [a] common but differentiated [responsibility] [responsibilities] [to conserve, protect and restore the health and integrity of the Earth's ecosystem] for [preventing,] containing, reducing, and eliminating global environmental damage and for [maintaining or] restoring the ecological balance of [the] Earth, [in accordance with their respective responsibilities and capabilities.] [To this end they [shall] [should] cooperate on the basis of a global partnership].

[The major cause of the continuing deterioration of the global environment is the unsustainable patterns of production and consumption, [particularly in developed countries]. All countries, particularly developed ones, [shall] [should] make commitments, [according to their situation shall endeavour] to address their unsustainable patterns of production and consumption.

[The causes for the continuing deterioration of the global environment [shall] [should] be addressed by all countries [in accordance with both past and present damage and capabilities] [in accordance with their respective responsibilities and capabilities.]

[All States and people [shall] [should] eliminate or avoid unsustainable patterns of production and consumption and formulate [and promote] population policies [[taking into account] [with respect for] cultural, religious and social traditions] compatible with sustainable development.]

[States and people should seek to eliminate or reduce unsustainable patterns of production and consumption, and to slow rapid population growth [[taking into account] [with respect for] cultural, religious and social traditions]].

[In view of their main historical and current responsibility for global environmental degradation and their capability to address this common concern, developed countries shall [should make commitments to] provide adequate, new and additional financial resources and environmentally sound technologies on preferential and concessional terms to, [in particular] developing countries, to enable them to achieve sustainable development].

Principle 7A

[In the pursuit of sustainable development and a higher quality of life for all people, it is important to address in an integrated manner the issue of population policies [[taking into account] [with respect for] cultural, religious and social traditions,] and migration as a constituent element of socio-economic development, involving public health, shelter, education and public participation, while safeguarding cultural diversity, environmental values and basic human rights.]

Principle 8

[[All] [States should cooperate to strengthen [endogenous capacity building, particularly scientific and technological capabilities for][the capacity of States to implement] sustainable development. To this end, cooperation and exchanges of scientific and technological knowledge at all levels should be strengthened to improve scientific understanding, and to enhance the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.]

Principle 9

[States should develop national law regarding liability and compensation for the victims of pollution and other environmental damage. [States [shall] [should] also cooperate in an expeditious manner to develop further international law regarding [responsibility,] liability and compensation for [adverse effects of] environmental [, human and economic] damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.]]

[States should develop national and international law regarding responsibility, liability and compensation in cases of environmental damage and its human and economic consequences.]

Principle 10

[[As the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in [developed] [industrialized] countries, they [shall] [should] be responsible] [have the main responsibility] for combating such pollution [and ensuring that toxic and hazardous wastes, including dangerous genetically modified organisms and radioactive waste, are disposed of in the proximity of their production].]

[All countries should be responsible for their handling of pollutants and their safe disposal of hazardous substances.]

Principle 11

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual [shall] [should] have appropriate access to information concerning the environment that is held by public authorities [and others], including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States [shall] [should] facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, [shall] [should] be provided.

Principle 12

In order to [protect] [enhance the protection of] the environment, the precautionary approach [shall] [should] be widely applied [by States] [according to their capabilities]. [Where there are threats of serious or irreversible damage, lack of full scientific certainty [shall] [should] not be used as a reason for postponing [cost-effective] measures to prevent environmental degradation.]

Principle 12A

[National authorities should endeavour to ensure the internalization of environmental costs, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.]

Principle 12B

Environmental impact assessment, as a national instrument, [shall] [should] be undertaken for any proposed activity that is likely to have a significant adverse impact on the environment and is subject to a decision of a competent national authority.

Principle 13

[[States [shall] [should] enact [and implement effective] environmental legislation] [and make full use of economic instruments.] [Environmental standards, management objectives and priorities should reflect the [national] environmental and developmental context to which they apply.] [Standards applied by some countries may be inappropriate and of unwarranted [economic and] social cost to other countries, in particular developing countries.] [Measures of environmental protection [shall] [should] be coordinated internationally, where possible.]

Principle 14

States should cooperate to promote a supportive and open international economic system [with free markets] that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. [Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transborder or global environmental problems should, as far as possible, be based on an international consensus.] [Economic growth has to respect the limits of the carrying capacity of the Earth's ecosystem.]

Principle 15

States should [seek to] [cooperate to discourage or] prevent the relocation and transfer to other states of activities and substances that cause severe environmental degradation or are found to be harmful to human health.

Principle 16

[All States [shall] [should] promote and adopt [agricultural] [and other] development policies based on the [economically] [and ecologically] rational, efficient and sustainable use of the factors of production and resources, and shall avoid policies and [production] practices which [distort], [in addition to distorting] internal and external markets, [have environmentally detrimental effects].

[All States and people [shall] [should] cooperate to promote trade relations that are supportive of local, regional and global sustainable development.]

Principle 17

States [shall] [should] immediately notify other States of any [accidents] [emergencies] [disasters] that are likely to produce [sudden] harmful effects on the environment of those States. Every effort [shall] [should] be made by the international community to help States afflicted by disasters.

Principle 17A

States [shall] [should] provide prior [and] timely [notification] and relevant information to potentially affected States on activities [likely to] [that may] have a significant adverse [international or] transboundary [environmental or developmental] effect and [shall] [should] consult with those States at an early stage and in good faith.

Principle 18

[States [shall] [should] give urgent attention to and shall embark promptly on innovative measures, including legal instruments, to halt and reverse the process of desertification, as well as to alleviate the threat to the survival of some small island States and of low-lying coastal, arid and semi-arid areas.]

Principle 19

[States and people [shall] [should], in accordance with their capabilities, strengthen their efforts to rehabilitate degraded ecosystems and ecological processes in order to restore the ecological balance of the Earth and to prevent further deterioration of the environment and to lead to its enhancement.]

Principle 20

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

Principle 21

Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and ensure their effective participation in the achievement of sustainable development.

Principle 22

[Policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated. The environment and natural resources of people under such oppression, domination and occupation [shall] [should] be protected.]

Principle 23

[Employment of methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to the natural environment [shall] [should] be treated as a war crime. States must strive to reach prompt agreement on the complete elimination and destruction of weapons of mass destruction. [The use of such weapons is a crime against humanity and the environment.]

[A commitment to peace and security for all States and people is fundamental to the achievement of sustainable development.]

[Peace and security are essential requirements for sustainable development].

Principle 24

[Peace, development and environmental protection are interdependent and indivisible.]

Principle 25

States [shall] [should] [prevent and] resolve [all] their environmental [or developmental] disputes peacefully in accordance with the Charter of the United Nations. [States [shall] [should] provide adequate mechanisms for [prevention and] settlement of such disputes.] [In particular, States [shall accept] [should consider accepting] the compulsory jurisdiction of the International Court of Justice in relations to environmental issues.]

Principle 26

[States and people [shall] [should] cooperate in good faith and in a spirit of partnership in the implementation of the principles embodied in this Charter to develop international law needed for the achievement of sustainable development.]